

SGT JENKINS PRESS CONFERENCE
11 SEPT 04

MAJ AMBERG:

Good afternoon. Today at 10:47 a.m. Japan time, Sgt. Charles Jenkins voluntarily surrendered himself and returned to U.S. military control at Camp Zama, Japan. Sgt. Jenkins will be processed, following the standard procedures for any individuals who are suspected to have deserted from the U.S. Army. Sgt Jenkins has been charged with 2 specifications of soliciting other servicemembers to desert in violation of Article 82 of the Uniform Code of Military Justice; one specification of desertion in violation of Article 85 of the Uniform Code of Military Justice; one specification of aiding the enemy in violation of Article 104 of the Uniform Code of Military Justice; and two specifications of encouraging disloyalty in violation of Article 134 of the Uniform Code of Military Justice. Like every other U.S. military member, Sgt. Jenkins remains subject to the Uniform Code of Military Justice and is presumed to be innocent until proven guilty. Sgt. Jenkins health and welfare will all be taken of, just as they are for any other Soldier in the U.S. Army. The U.S. Army will ensure Sgt. Jenkins has qualified legal representation as he participates in the UCMJ process. At this time, I would like to introduce to you Col. John Dykstra. You should have been provided sheets of paper with the correct spelling of his name and title. He's going to take about 15 minutes to talk about the Uniform Code of Military Justice and that process.

COL DYKSTRA:

Good afternoon. In your press packets there should be both a flow chart and an information paper that's entitled Court Martial Procedures that I believe has been translated into Japanese, so that will contain most of the information that I will be talking about for the next few minutes. The first step in any Court Martial procedure is the referral of Court Martial charges, that's the swearing of the charges. In the case of a desertion case, that is done shortly after the Soldier is considered a deserter, approximately a month after he has left his unit. In Sgt. Jenkins case, that was done a long time ago, back in 1965. Once a Soldier has returned to military control, that's what happened today, the notice is provided to the U.S. Army Deserter Information Point, which is in Fort Knox and the case is assigned to a convening authority to take care of the case.

JAPANESE TRANSLATOR

COL DYKSTRA:

My apologies to the translator, I should have given him a break here. Once the convening authority has been selected, and in this case the U.S. Army Deserter Information Point has waived jurisdiction to Camp Zama, so the U.S. Army Japan will be the general Court Martial convening authority for Sgt. Jenkin's charges. Once that is done, the convening authority will decide what action is proper on the charges. Before any case can be submitted or referred for trial at a general Court Martial there must be a partial investigation of the charges. In the military that is called an Article 32 Investigation.

JAPANESE TRANSLATOR:

You have to break a little more than that otherwise I have to write it down.

COL DYKSTRA:

Okay, I'm sorry. Now that Sgt. Jenkins has returned to military control, the case will be assigned to U.S. Army Japan.

JAPANESE TRANSLATOR

COL DYKSTRA:

The convening authority at Camp Zama will appoint an investigating officer to review the charges.

JAPANESE TRANSLATOR

COL DYKSTRA:

This is called the Article 32 Investigation.

JAPANESE TRANSLATOR

COL DYKSTRA:

Once this investigation has been completed, the investigator makes out a report back to the convening authority.

JAPANESE TRANSLATOR

COL DYKSTRA:

Once the General has this, he decides what actions to take on the Court Martial charges.

JAPANESE TRANSLATOR

COL DYKSTRA:

His options include referring it to a Court Martial.

JAPANESE TRANSLATOR

COL DYKSTRA:

He could also consider non-judicial punishment or administrative action.

JAPANESE TRANSLATOR

COL DYKSTRA:

Or he could say no action at all. In other words he could say there is not enough evidence to take any action on the charges.

JAPANESE TRANSLATOR

COL DYKSTRA:

If he elects to refer it to a Court Martial, there are three types. The most serious type of Court Martial is the general Court Martial.

JAPANESE TRANSLATOR

COL DYKSTRA:

Once the charges are referred to a Court Martial, a judge will be appointed, a military judge. And also, if he didn't already have a defense council, a defense council will be appointed, as well as a trial council, or prosecutor.

JAPANESE TRANSLATOR

COL DYKSTRA:

At this point, the case would be set for trial.

JAPANESE TRANSLATOR

COL DYKSTRA:

Before this time, the accused and his council may elect to enter into a pre-trial agreement, or plea bargain.

JAPANESE TRANSLATOR

COL DYKSTRA:

In a pre-trial agreement, the accused agrees to plead guilty to some or all of the charges.

JAPANESE TRANSLATOR

COL DYKSTRA:

And the convening authority, who happens to be the General in this case, will agree to limit the punishment to certain maximums.

JAPANESE TRANSLATOR

COL DYKSTRA:

Whether or not there is a pre-trial agreement is completely up to the accused and his council. In other words, the government cannot force a guilty plea.

JAPANESE TRANSLATOR

COL DYKSTRA:

Once the trial starts, the accused and his council have the choice of whether to have a trial before a judge alone, or a panel of court members much like a jury, either of officers alone or officers and enlisted personnel.

JAPANESE TRANSLATOR

COL DYKSTRA:

The accused may plea guilty or not guilty as he wishes.

JAPANESE TRANSLATOR

COL DYKSTRA:

If there is pleas of not guilty, the government must prove beyond a reasonable doubt all the evidence of all the offenses of which the accused has plead not guilty.

JAPANESE TRANSLATOR

COL DYKSTRA:

If the accused pleads guilty to one or more of the offenses, the military judge will explain to the accused what the elements of that offense may be and also make sure the accused understands what he is pleading guilty to.

JAPANESE TRANSLATOR

COL DYKSTRA:

When the judge satisfies himself that the accused understands what he is pleading to and that he voluntarily and knowingly admits his guilt, he may accept the plea of guilty.

JAPANESE TRANSLATOR

COL DYKSTRA:

If there are findings of guilty, the second part of the trial is the sentencing part of trial. The Court Martial panel, if there is panel or jury, or if it's a judge alone, the military judge will determine the appropriate sentence of the offenses of which the accused has been found guilty.

JAPANESE TRANSLATOR

COL DYKSTRA:

When a pre-trial agreement is used, the military judge will review the sentencing part of the pre-trial agreement after the sentence has been announced.

JAPANESE TRANSLATOR

COL DYKSTRA:

Then the judge will compare the pre-trial agreement with the sentence that was just announced and the lighter of the versions will be the sentence judged for that accused.

JAPANESE TRANSLATOR

COL DYKSTRA:

Once the sentence has been announced by the court, that is the end of the Court Martial trial.

JAPANESE TRANSLATOR

COL DYKSTRA:

But is not the end of the process.

JAPANESE TRANSLATOR

COL DYKSTRA:

If there is either a bad conduct or a dishonorable discharge, or if there is confinement for a year or more, there must be a verbatim or a word-for-word record prepared.

JAPANESE TRANSLATOR

COL DYKSTRA:

This record must be read and reviewed by the defense council, the trial council and the military judge.

JAPANESE TRANSLATOR

COL DYKSTRA:

Additionally, the defense council and the accused can present matters for clemency or extenuation in litigation to the convening authority for consideration before he signs the Court Martial Order.

JAPANESE TRANSLATOR

COL DYKSTRA:

Once all of these materials are assembled, the convening authority will review them and carefully consider any matters presented. And then he has the option of the following:

JAPANESE TRANSLATOR

COL DYKSTRA:

He can approve or disapprove findings of guilty.

JAPANESE TRANSLATOR

COL DYKSTRA:

He can approve the sentence judged or any lesser sentence.

JAPANESE TRANSLATOR

COL DYKSTRA:

And he may suspend all or part of the sentence.

JAPANESE TRANSLATOR

COL DYKSTRA:

He cannot increase the sentence from what was judged.

JAPANESE TRANSLATOR

COL DYKSTRA:

The convening authority's action is called the Court Order, or the Court Martial Order, and that completes the Court Martial process.

JAPANESE TRANSLATOR

COL DYKSTRA:

At this point the Court Martial is over, subject to appeals.

JAPANESE TRANSLATOR

COL DYKSTRA:

There are several appeals which are automatic unless waived by the accused. I'm not going to talk about them though.

JAPANESE TRANSLATOR

COL DYKSTRA:

This is necessarily a general overview of the whole Court Martial process. I will be available to answer specific questions after the other speakers have had a chance.

JAPANESE TRANSLATOR

MAJ AMBERG:

Thank you, Sir. I think I owe an apology also to the translators, I'm sorry. I won't do that again, Susan. Right now I'd like to introduce the rest of the folks that are sitting up here with me. To my right, Lt. Col. Dan Golou, you have the spelling. He is the commander of the MEDDAC. If you have questions on any of the medical services, he will be able to answer that.

JAPANESE TRANSLATOR

MAJ AMBERG:

Col. John Dykstra, he's the International Law Counselor and he can answer questions on UCMJ.

JAPANESE TRANSLATOR

MAJ AMBERG:

To left is Retired Col. Robert Freckerton, he is a budget analyst that spent 26 years as a finance officer.

JAPANESE TRANSLATOR

MAJ AMBERG:

He can answer questions on the paid ? E-5 sergeant in the United States Army.

JAPANESE TRANSLATOR

MAJ AMBERG:

Finally, Lt. Col. Terry Streeton, he is the Adjutant General for the United States Army Japan, he'll be able to answer questions on the in-processing process that happens for a deserter, accused deserter, returning to active duty.

JAPANESE TRANSLATOR

MAJ AMBERG:

At this time, we're going to go ahead and take about 20 minutes for questions. I'd ask you to state your name and your organization. Because there's so many folks, if you could just limit it to one question, I think we could work it that way. If you want to direct your question to someone specific, please just say so.

JAPANESE TRANSLATOR

FIRST QUESTION: What was he wearing?

MAJ AMBERG:

The uniform was determined by his commander, it was his duty uniform, it's called the Army Class B uniform. He was instructed to be in the uniform during the in-processing. He was signing the documents that allowed him to return to active duty.

JAPANESE TRANSLATOR

SECOND QUESTION: You mention in your press release all the different charges. Could you please repeat those please?

MAJ AMBERG:

I'd be glad to. There are two specifications of soliciting other servicemembers to desert in violation of Article 82 Uniform Code of Military Justice.

JAPANESE TRANSLATOR

MAJ AMBERG:

One specification of desertion in violation of Article 35 of the Uniform Code of Military Justice.

JAPANESE TRANSLATOR

MAJ AMBERG:

One specification of aiding the enemy in violation of Article 104 of the Uniform Code of Military Justice.

JAPANESE TRANSLATOR

MAJ AMBERG:

Two specifications of encouraging disloyalty in violation of Article 134 of the Uniform Code of Military Justice.

JAPANESE TRANSLATOR

THIRD QUESTION: When you say specification, does it mean like one account?

COL DYKSTRA:

Yes.

THIRD QUESTIONER: You can't specify?

COL DYKSTRA:

Yes, a specification is the same as one account of a specific charge.

THIRD QUESTIONER: Can you specifically say that word specification. Can you explain that?

COL DYKSTRA:

Well for example, I don't have the chargee in front of me, but let's say he solicited one Soldier by the name of Smith to desert, that would be one specification and then if he solicited another Soldier by the name of Johnson to desert, that would be another specification. So in other words, two counts but the same type of offense.

JAPANESE TRANSLATOR

FOURTH QUESTION: Greg Thomas, AP. Could you tell us what unit Mr. Jenkins is assigned to? And any other details about what he did today for in-processing.

MAJ AMBERG:

He was assigned to Headquarters and Headquarters Company, United States Army Garrison Japan.

JAPANESE TRANSLATOR

ANSWER:

In further response to your question, this morning Sgt. Jenkins arrived to the military personnel office in uniform with his family members.

JAPANESE TRANSLATOR

ANSWER:

He spent about 45 minutes and completed the following tasks: First, we prepared and issued a set of orders bringing Sgt. Jenkins back into active duty from deserter status.

JAPANESE TRANSLATOR

ANSWER:

Second, we entered a change into the Master Military Database to change him back onto active duty status.

JAPANESE TRANSLATOR

ANSWER:

Third, we issued Sgt. Jenkins an identification card which he can use to present to gain access to any of the facilities here on post.

JAPANESE TRANSLATOR

ANSWER:

Fourth, we issued Mrs. Jenkins and the youngest daughter a family member identification cards.

JAPANESE TRANSLATOR

ANSWER:

Fifth, we completed a record emergency data, or DD Form 93. This is used to identify family members for points of contact in case of emergency.

JAPANESE TRANSLATOR

ANSWER:

And finally, we offered him enrollment in the Soldiers Group Life Insurance Program, the SGLI. There should be a hand out provided to you today regarding that program.

JAPANESE TRANSLATOR

FIFTH QUESTION: Jim Brook, New York Times. Col. Dykstra this is for you. Your flow chart shows a lot of rights and lefts and various changes that could happen, I was wondering if you could give us a rough timeline of when this process might be over and also, how open, if there is a Court Martial, how open would that be to press? And so far, have any of the documents supporting the charges, are they public documents or public information?

JAPANESE TRANSLATOR

COL DYKSTRA:

It is a rather busy chart, but the procedures of course can get rather complicated and the various things that could come up.

JAPANESE TRANSLATOR

COL DYKSTRA:

Some of the steps, for example the Article 32 Investigation stage, could be waived by the accused and his council, although that is not required and that would of course significantly shorten the period of time from start to finish.

JAPANESE TRANSLATOR

COL DYKSTRA:

At this point, other than the charge sheet, the documents related to the Courts Martial are not released to the public to preserve the fair trial for the accused.

JAPANESE TRANSLATOR

COL DYKSTRA:

The trial itself would be open so that members of the press or the public can come in and observe the actual trial proceedings.

JAPANESE TRANSLATOR

COL DYKSTRA:

It would be highly speculative to say how long it's going to take in this case or any Courts Martial from this point until the announcement or the verdict by the judge.

JAPANESE TRANSLATOR

COL DYKSTRA:

A very rough guesstimate and I wouldn't want to be housed with, we'd say anywhere from one to three months to get to the verdict stage, and then again, another maybe 2 or 3 months to prepare the record trial before the communitary to sign the Court Martial Order. And again, that's a very rough guess.

JAPANESE TRANSLATOR

MAJ AMBERG:

In answer to the access the press might have, the judge has the option of allowing closed-circuit TV to another room where the press could be, if that were to happen there would be absolutely no recording devices in that room, other than pencil and paper. But that is up to the judge.

JAPANESE TRANSLATOR

SIXTH QUESTION: CNN. Could you give us a little more detail about what Sgt. Jenkins life

will be like on Camp Zama and for his family and now that he's reporting for active duty, what exactly will his duties be?

MAJ AMBERG:

Well his duties, he will be under the supervision of the administrative sergeant in the orderly room of the Headquarters Company for the United States Army Garrison Japan. He will be performing the administrative functions that support that unit's mission. As far as his lifestyle on Camp Zama, we're looking at a briefing on Monday where you'll learn about all the facilities that are available to him. We have a trout pond in the middle of Dewey Park where you can go fishing and you can rent the fishing poles, they can do that. It's all available to them.

JAPANESE TRANSLATOR

SEVENTH QUESTION: It's sort of a follow-up to that question, but if my understanding is correct, I think Sgt. Jenkin's received some cash today. I think money to sort of just go about living. Can we get that figure and what sort of housing is there for Jenkins and his family?

JAPANESE TRANSLATOR

MAJ AMBERG:

The housing question first. He will be housed in temporary lodging, just as any other sergeants who arrive today with his family to be assigned to Camp Zama.

JAPANESE TRANSLATOR

MAJ AMBERG:

The advanced pay he got is available to Soldiers when they arrive at a new duty station.

JAPANESE TRANSLATOR

MAJ AMBERG:

Because it's a personal choice, I'd rather not get into the exact amount, but if you'd like we can tell you what he is entitled to.

JAPANESE TRANSLATOR

ANSWER:

Good afternoon. Effective today, Sgt. Jenkins will begin earning military pay and allowances, just like any other Soldier in the United States Army.

JAPANESE TRANSLATOR

ANSWER:

He's being reinstated as a sergeant E-5, with 9 years and 2 months of service.

JAPANESE TRANSLATOR

ANSWER:

That was his pay status the day before he was reported AWOL. He is being reinstated to that pay status.

JAPANESE TRANSLATOR

ANSWER:

There's a facts sheet in your media packets which will describe military pay and allowances. He will be drawing three of those entitlements. He will be receiving basic pay of \$2,250.90 per month.

JAPANESE TRANSLATOR

ANSWER:

He will also receive basic allowance for subsistence of \$254.46 per month.

JAPANESE TRANSLATOR

ANSWER:

He will also be receiving a cost of living allowance.

QUESTION: Excuse me, what's the last figure?

ANSWER:

BAS is \$254.46.

JAPANESE TRANSLATOR

ANSWER:

These numbers are on your fact sheet in your media packet.

JAPANESE TRANSLATOR

ANSWER:

The fact sheet was prepared on the 16th of August and the last entitlement I mentioned, the cost of living allowance, has the potential to change twice per month based on exchange rates.

JAPANESE TRANSLATOR

ANSWER:

Therefore the cost of living allowance number on your fact sheet is no longer accurate.

JAPANESE TRANSLATOR

ANSWER:

The new number for the cost of living allowance is \$768.00 per month.

JAPANESE TRANSLATOR

ANSWER:

Therefore his total recurring entitlements will be \$3,273.36 per month.

JAPANESE TRANSLATOR

EIGHTH QUESTION: Sgt. Jenkins legal status. We know that he is charged with several offenses, but can you say that he is arrested? Can we call him a suspect? And also, you speculated that the duration of the trial, but can you give us some idea of when the trial or the hearing will start?

COL DYKSTRA:

Well the first part, he is not under arrest at this time. He is under charges, he's been under charges since 1965.

JAPANESE TRANSLATOR

COL DYKSTRA:

He will be permitted to move about freely on Camp Zama with his escort or sponsor.

JAPANESE TRANSLATOR

COL DYKSTRA:

The escorts and sponsors have been appointed to make sure that he is familiar with what is going on on Camp Zama and also for his protection and to assist him.

JAPANESE TRANSLATOR

COL DYKSTRA:

His commander has canceled his pass privileges, which means he cannot leave Camp Zama without permission.

JAPANESE TRANSLATOR

COL DYKSTRA:

So basically he has the run of all the facilities on Camp Zama, he can go to the Exchange, the commissary, all the facilities and the fish pond and things of this nature.

JAPANESE TRANSLATOR

COL DYKSTRA:

As far as the time for either the Article 32 Investigation or the actual Courts Martial trial, I can't give you any exact time. First of all...

JAPANESE TRANSLATOR

COL DYKSTRA:

The investigating officer has not been appointed yet and the investigating officer will have to contact the defense council as well as the trial council to make sure of a date when they are all going to be available.

JAPANESE TRANSLATOR

COL DYKSTRA:

Also it's possible in the case of the Article 32 Investigative hearing, the defense may say they don't want to have one. They may waive this.

JAPANESE TRANSLATOR

COL DYKSTRA:

Only after the Article 32 Investigation has been either completed or waived, will the charges be referred for trial.

JAPANESE TRANSLATOR

COL DYKSTRA:

Once the charges are referred for trial, a judge will be appointed and the judge will actually set the court date.

JAPANESE TRANSLATOR

COL DYKSTRA:

We do not have an Army judge in Japan, so in this case we will have to contact a military judge outside Japan and arrange for their schedule to come to Japan to have a trial.

JAPANESE TRANSLATOR

COL DYKSTRA:

Once the date has been set, it will be announced and once again members of the public and media will be contacted and have the opportunity to attend the sessions.

JAPANESE TRANSLATOR

MAJ AMBERG:

Okay, we have time for two more questions.

JAPANESE TRANSLATOR

QUESTION NINE: Steve Hein from Voice of America. I'm just wondering is what happened today a typical way that an alleged deserter would come back for in-processing? There's been

some speculation that under government pressure that Sgt. Jenkins has been treated in a special manner. And in other cases would it have been possible that deserters would have been put in handcuffs at the gate?

JAPANESE TRANSLATOR

MAJ AMBERG:

Each and every time a deserter returns to Army jurisdiction, whether that is they are apprehended or they voluntarily turn themselves in...

JAPANESE TRANSLATOR

MAJ AMBERG:

The case is dealt with individually, looking at all of the aspects and all of the factors.

JAPANESE TRANSLATOR

MAJ AMBERG:

So it's safe to say that no two cases are treated exactly the same.

JAPANESE TRANSLATOR

QUESTION TEN: Was there any deal made to get Jenkins to come back? In July he picked up his family in Jakapa and the country was apparently influenced because he? Yet this morning he came back saluting. Has the U.S. Army done anything to bring back this remarkable transformation?

JAPANESE TRANSLATOR

MAJ AMBERG:

I can't speculate on any of the actions or choices that Sgt. Jenkins has made.

JAPANESE TRANSLATOR

MAJ AMBERG:

But I can tell you that it's always encouraging when an accused deserter returns to Army jurisdiction.

JAPANESE TRANSLATOR

MAJ AMBERG:

Okay, so at this time that concludes the press conference here. I've got some administrative announcements I'd like to make so that you understand what's going to be happening the next couple of days.

JAPANESE TRANSLATOR

MAJ AMBERG:

First of all, I'd like to let you know that we would like to close the JIB by about 5:30, 1730, that's about an hour from now.

JAPANESE TRANSLATOR

MAJ AMBERG:

If we could have all the trucks out by 6, 1800.

JAPANESE TRANSLATOR

MAJ AMBERG:

The next press conference will be Monday at 11:30.